

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY  
PLANNING AND ZONING COMMISSION  
MAY 3, 2006**

**Members present:** Ben Tucker, Beth Hattaway, Dudley Bates, Matt Brown, Jason Brodeur, Walt Eismann, and Rob Wolf.

**Also present:** Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Jeffrey Hopper, Senior Planner; Benjamin Dunn, Senior Planner; Tony Walter, Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Brian Walker, Planner; Cynthia Sweet, Planner; Denny Gibbs, Senior Planner; Dan Matthys, Director of Planning and Development; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order. He introduced the members of the board and reviewed the manner in which the meeting was to be conducted.

**Commissioner Brown made a motion to accept the proof of publication.**

**Commissioner Bates seconded the motion.**

**The motion passed unanimously (7 – 0).**

**Commissioner Eismann made a motion to accept the minutes of last month's meeting as submitted.**

**Commissioner Bates seconded the motion.**

**The motion passed unanimously (7 – 0).**

**A. Wekiva Subdivision; Jerry Walsh, applicant;** Preliminary Subdivision Plan (PSP); applicant request approval for 15 residential lots on 34.47± acres zoned A-1; located at Yankee Lake Road, and West SR 46.

Commissioner Carey – District 5  
Brian Walker, Planner

Brian Walker stated that there would be .72 dwelling units per net buildable acre. The subdivision will have 15 single family homes and have Seminole County sewer and water. Staff recommendation is for approval.

**Commissioner Eismann made a motion to recommend approval.**

**Commissioner Hattaway seconded the motion.**

**The motion passed 7 – 0.**

**B. Tesoro Townhomes; Metropolis Homes, applicant; 7.83 acres;** Preliminary Subdivision Plan approval for 53 townhome lots, zoned PUD (Planned Unit Development); located on the northwest corner of Orange Boulevard and Missouri Avenue, in Section 16, Township 19 S, Range 30 E

Commissioner Carey - District 5  
Cynthia Sweet, Senior Planner

Cynthia Sweet stated that the proposed 53 townhomes were on 7.83 acres and were zoned PUD (Planned Unit Development). The internal roads would be private. The PSP meets all conditions of the Developer's Commitment Agreement and the Seminole County Land Development Code.

John Abi Aoun was present from Florida Engineering Group to answer any questions the commissioners had.

Commissioner Tucker asked if there would be front loaded garages.

Mr. Abi Aoun said that they were front loaded garages, with 20-foot driveways.

Commissioner Wolf asked about wetland mitigation.

John Abi Aoun said that .5 acres had been mitigated.

**Commissioner Brown made a motion to recommend approval of the PSP.**

**Commissioner Eismann seconded the motion.**

**The motion passed 7 – 0.**

**C. Dunwoody Plaza @ NW Oregon PUD Lots 2 - 4;** NW Oregon, Ltd, Applicant, 5.60± acres of Commercial and 22.95 acres of Conservation; Preliminary Subdivision Approval for 3 Commercial Lots and 1 Conservation Tract; within the NW Oregon PUD; located on the north side of SR 46, west of Oregon Street. (06-05500006)

Commissioner Carey - District 5  
Denny Gibbs, Senior Planner

Denny Gibbs explained that the lots would receive final approval for their reconfiguration at the May 9<sup>th</sup> BCC meeting. This plan meets all of the criteria to be approved at the upcoming BCC meeting.

**Commissioner Eismann made a motion to approve the PSP.**

**Commissioner Brodeur seconded the motion.**

**The motion passed 7 – 0.**

**UNSCHEDULED ITEM:**

**North Myrtle Street Subdivision PSP;**

Brian Walker presented the Preliminary Subdivision Plan for the 29 single family lots, with a density of 2 dwelling units per acre. This plan is in the area of the Myrtle Street Conservation Village Overlay.

**Commissioner Hattaway made a motion to recommend approval of the PSP.**

**Commissioner Wolf seconded the motion.**

**The motion passed 7 – 0.**

**PUBLIC HEARING ITEMS:**

**D. Monroe Commerce Center PCD Phase III; Howard Schieferdecker /RealVest Development LLC, applicant; 6.3 ± acres; Major Amendment to a PCD (Planned Commercial Development District); located on the east side of Elder Road, and south of School Street. (Z2005-008)**

Commissioner Carey – District 5  
Jeffrey Hopper, Senior Planner

Jeffrey Hopper stated that the Monroe Commerce Center was an approved PCD that permits office – warehouse uses. The new development would take access through the existing Monroe Commerce Center South site, which fronts on Church Street to the south. The applicant is proposing 4 buildings for a total of 73,650 square feet. This represents an increase of 14,250 square feet of building area over the original plan. The distribution would be approximately 20 % office use and 80% warehouse use. Permitted uses would be those allowed in M-1A and C-3 zoning districts. Prohibited uses would include self-storage, restaurants and motels. An outdoor storage area would be limited to tenants of the development. The site plan shows no direct access to

Elder Road on the west. A 25-foot landscape buffer would be located along that frontage. The applicant would also provide a 6-foot masonry wall along residential properties to the northwest and southwest corners of the site. Mr. Hopper stated that staff recommendation was for approval subject to the conditions in the staff report and development order.

Howard Schieferdecker asked about a condition of the development order, on page 2. He said that this project is a “spec building” project. He may have more office in one building and less in another. As long as he stays within the 14,730 square feet of office he would like approval that way. If he has to have 20 % office in each building, he will have to go back for a minor amendment to the PCD. He would like a clarification on this.

Mr. Hopper said that there can be flexibility as to amounts of office per building, having more office in one building and less in another. The issue was for parking, which is generated from office use.

There were no questions or comments from the audience.

Commissioner Tucker reviewed previous terms of the PCD and stated that within 12 months Elder Road would be paved by the county and that the Interstate Industrial Park would also be paving part.

Commissioner Hattaway asked about an extra 5 feet of right-of-way for School Road widening in the future.

Tony Walter said that School Road is scheduled for widening in the future, but the exact date was not known.

**Commissioner Eismann made a motion to recommend approval.**

**Commissioner Wolf seconded the motion.**

**The motion passed 7 – 0.**

**E. Brooks Lane Rezone; Jay Barfield, applicant; 10.4 ± acres; Rezone from A-1 (Agriculture) to R-1AA (Single Family); located on the east side of Brooks Lane, 0.42 ± miles south of Red Bug Lake Road. (Z2006-14)**

Commissioner Dallari – District 1  
Benjamin Dunn, Senior Planner

Benjamin Dunn stated that north of the subject site there was low density residential future land use, while south of the site there was an are of suburban estates future land use, part of the Bear Gully study area. To the east is the

Kenmure PUD, with 9,000 square foot lot size, and to the west is R-1AAA zoning. Staff recommendation is for denial. R-1AAA may be more compatible with the area.

Jay Barfield, of Florida Homes Constructors. He stated that he had developed Talman Mews, off of Gabriella Lane, about 3/4 mile from this site. He said that he builds what he develops, with individually designed houses, leaving the neighborhood trees. Mr. Barfield said that he disagreed with the staff recommendation. This site is .4 mile from Red Bug Lake Road, with intense development. There is a multi-family development within a third of a mile from the site. The difference between R-1AA and R-1AAA is economics. Mr. Barfield said that the difference between 11,700 and 13,500 square feet is the number of lots. His lots are 12,077 square feet and 90-foot width. Most buyers want to buy according to price and quality, and do not regard the 10-foot difference in width of lot. He can put his 2,500 to 4,000 square foot houses with a price of \$500,000. to \$750,000. here. Mr. Barfield stated that the difference is the presence of 3 more lots in R-1AA versus R-1AAA zoning. This property is 330 feet by 1330 feet. With the road down the middle this is the best arrangement of lots. There is more depth than a typical R-AAA lot, but he cannot get the width without cutting 3 lots from the design. The setbacks are the same for the two zoning districts. The south boundary will retain the trees along the property line. Heading north along Brooks Lane, the trees will remain there. With R-1AA zoning, the road can be gently curved. It is an infill project. The density is 2.5 per acre, which is low. The Blakelys would see 11 houses along their property line in R-1AAA zoning, versus 12 houses along their property line with R-1AA zoning. The trees will be there and the setbacks will remain the same. Mr. Barfield said that he understood that no one likes change. He builds neighborhoods, not subdivisions.

Mr. Barfield pointed to the line on the area map that divided the site of the application from the area with suburban estates future land use to the south.

Mr. Dunn said that the SE future land use area had been designated as such after the Bear Gully Creek Study in 1995, which designated that area for suburban estates future land use.

Mr. Barfield said that the property to the south is zoned A-1 and is designated SE future land use. The PUD to the east was the same, but it was approved as a PUD with 9,000 square foot lots. How is that buffered?

John Herbert of American Civil Engineering said that the weighted compatibility analysis was 6.18. He was looking for a 7. Using the lot compatibility analysis of R-1AA to the property to the north of the subject site, (Lot 2A on the map) the weighted analysis comes out to be 6.78, which rounds out to a 7. With Red Bug Road 2,200 feet to the north, the PUD to the east and single family housing to the north and west, and townhomes to the northeast, the area is heading to R-1AA zoning. This area could support the three extra homes.

Martha Cannon of 1470 Brooks Lane, Oviedo, owns property to the north of the subject property. She wants to keep the land A-1 in a rural setting. She does not want a subdivision there. She has no desire to develop her land. She wants to keep horses and have a rural setting.

Alice Cannon said that she wants to keep the area rural. They will be surrounded by concrete walls. People have built large lot homes here. There are drainage problems in spots.

Martha Cannon said that after the construction of Cobblestone subdivision the roads needed to be replaced; with fill there will be flooding during wet periods. With a subdivision going in, the drainage will be worse. Ms. Cannon said that she will not be developing her land and asked that the subdivision not be permitted.

Alice Cannon said that numerous trees have been banded in orange for removal.

Bill Watts of 4824 Gabriella Lane said the note that this project is on the west side of Brooks Lane. He stated that there is no community support for this application.

Virginia Watts spoke for herself and her mother Virginia Miles who also owns property in the neighborhood. They are both opposed to the application. Ms. Watts said that the entire neighborhood fought to have the area made into suburban estates ten years ago. The residents of the area are vehemently opposed to any R-1AA zoning going in. She said that R-1AA zoning is not an appropriate transition from A-1. The traffic from Kenmure subdivision speed down Brooks Lane and Mikler Road. The public does not want this. Please keep it A-1.

Jim Black of 1800 Brooks Lane is an architect and contractor. He stated that most of the houses on Brooks Lane are set back 100 feet. That is as wide as the lots proposed. Brooks Lane was paved back in 1996, with no improvements for drainage. There is a wetland that is on the north end of Brooks Lane. Fish swim across the road there in times of rain. There are several 3 and 5 acre parcels that are being developed as 1 to 1.5 acre homesites. 5 acre parcels are also being bought for equestrian ranches and the existing housing is being replaced with new homes on the larger parcels. Adding 26 homes with septic is not good for the area, being too dense.

Stephanie Black of 1800 Brooks Lane said that the subject property is green and lush. We are in the middle of a major drought. This means that the property is damp now. When she rebuilt her home recently, they had to fill and raise the homesite. That would have to be done in the subject site as well. She asked for denial of the request.

Tracy Blakey owns 25+ acres to the immediate south from Brooks Lane to Dike Road. She has no plans to develop her property. There is a drainage problem with Tiffany Woods; there are trees blocking Kenmure from view. Traffic is an issue here. She would like to see estate homes here.

John Herbert returned to the podium and stated that there will be no septic in this project. There will be a lift station. There will be proper drainage, according to code. The trees with ribbons on them were that way from a tree inventory conducted during a survey that was made on the property. They will not be cut. Assuming that the land to the north will some day be rezoned, the only difference we are seeing along the south property line would be 12 homes with R-1AA and 11 homes with R-1AAA.

Jay Barfield said that the area was allotted as LDR in the Vision 2020 Plan, and this is compatible with that designation. There were similar concerns with Talman Mews on west Gabriella Lane, and now it is a neighborhood. He requested R-1AA zoning.

Commissioner Brown said that the LDR area in the north had the potential for smaller lots.

Benjamin Dunn stated that the property to the north had a future land use of LDR, but had been developed in larger lots and A-1 zoning.

Tina Williamson stated that 5-acre lots are what is existing on the property to the north of the subject property.

Commissioner Wolf asked how that differed with the SE future land use to the south.

Mr. Dunn said that Suburban Estates to the south was one dwelling unit per acre for future land use.

Commissioner Wolf pointed out the five-acre parcels and one-acre parcels with the R-1AAA in between.

Mr. Dunn pointed out that the lot compatibility analysis has a point system. For LDR with A-1 zoning start with 4 points, with water and sewer available you get an additional 2 points, with frontage on a public road you get another point. For Suburban Estates, you start with a standard 4 points; with R-1AA you get 6 points, going out 330 feet and doing the analysis that way for compatibility.

Commissioner Wolf said that only one area abuts a small lot subdivision.

Commissioner Brown said that the back of a property should be a dividing line, rather than a road. There was a concern with such a thing in Longwood.

Commissioner Eismann said that one cannot see Kenmure houses from the road. He cannot see putting an island of R-1AA in the middle of larger lots.

**Commissioner Eismann made a motion to recommend denial of the request.**

**Commissioner Wolf seconded the motion.**

Commissioner Brown asked if there could be some consideration given to the type of access to the property and its curb-side appeal. He said that staff did a good job in handling this application.

Commissioner Wolf said that knowing the impacts to potential engineering problems would aid in the decision making later.

Benjamin Dunn said that he understood Commissioner Wolf's concern, but typically the engineering was done at the time of final site plan review.

Commissioner Brown said that he was not sure if R-1AAA would be appropriate here either.

**The vote was 7 – 0 in favor of the motion to recommend denial of the application.**

**F. East Lake Brantley Drive Rezone; Christopher Pearson, O.D., applicant;** .26 ± acres; Rezone from RP (Residential Professional) to RP (Residential Professional) to allow an Optometrist Office; located on the west side of E. Lake Brantley Road, 100 feet north of W. SR 434. (Z2006-19)

Commissioner Van Der Weide – District 3  
Benjamin Dunn, Senior Planner

Benjamin Dunn stated that the site was originally rezoned to RP (Residential Professional District) in the mid 1980s in order to allow an architectural office. The Land Development Code requires the applicant to come before the board for permission with a change of use to an optometrist office. The site is 100 feet north of SR 434. Across the road is a PD zoned bank. This request is consistent with the area. Staff recommends approval of the request subject to the development order, which will allow general office use in the future.

No one spoke from the audience on the application.



**Commissioner Hattaway made a motion to recommend approval.**

**Commissioner Walsh seconded the motion.**

**The motion passed by a vote of 6 – 0.** (Commissioner Eismann was not present in the meeting room for the vote.)

**G. Wilder Office Building Rezone; Mary Wilder and Jack Wilder, applicants; 1.43 ± acres; Rezone from A-1 (Agriculture) to C-2 (Retail Commercial); located on the northeast corner of the intersection of SR 426 and Wrights Road. (Z2006-15)**

Commissioner Dallari – District 1  
Benjamin Dunn, Senior Planner

Mr. Dunn stated that the land use designation is PD to the west and north. The application is consistent with land uses in the area. Staff recommendation is for approval of the request.

Commissioner Wolf asked about the house to the east. It is under the trees, in A-1 zoning.

Mr. Dunn said that the owner of the nearby house had no objection to the request. Her property is commercial future land use as well.

Commissioner Tucker said that the owner of this property is trying to get access to Wright's Road, a private road.

Steve Helle, the civil engineer on the project, stated that the owners are trying to get access to Wright's Road. The DOT is in favor of a right-in, right out access to the property on the eastern end. That will be there no matter what happens with the Wright's Road access request.

Commissioner Eismann stated that the closest firehouse is seven minutes away according to his calculations.

Mr. Dunn said that the GIS calculations gave a 5 minute response time.

Commissioner Eismann said that it would not be a 5 minute response time.

Tina Williamson stated that a 5 minute average response time was required by the Comprehensive Plan. Our public safety officer has reviewed the request and has stated that this request is in compliance with the Comprehensive Plan.

**Commissioner Brodeur made a motion to recommend approval of the request.**

**Commissioner Brown seconded the motion.**

**The motion passed by a vote of 7 – 0.**

**H. West SR 426 Oviedo Rezone; Victor Triana, applicant;** .80 ± acres; Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale); located on the west side of West SR 426, approximately 2,300 feet southwest of West Chapman Road. (Z2006-08)

Commissioner Dallari - District 1  
Benjamin Dunn, Senior Planner

Benjamin Dunn stated that the applicant would put a bakery on the site. The future land use on the site and all along this side of the road is Industrial. Staff recommendation is for approval of the request.

Stephen Ratcliff stated that the family will install 2 buildings on the site for a retail/wholesale bakery on the site.

Commissioner Brown said that this is compatible with the area. What is the use of the “vacant” parcel to the north?

Mr. Dunn said it was A-1.

**Commissioner Hattaway made a motion to recommend approval.**

**Commissioner Eismann seconded the motion.**

**The motion passed 7 – 0.**

**I. Orange Boulevard/Sandhill Homes Rezone; David Coggin, Sandhill Homes, applicant;** 10 ± Acres; Rezone from A-1 (Agricultural) to R-1A (Single-Family Dwelling); located on the east side of Orange Blvd., 1500 feet north of W. SR 46. (Z2006-18)

Commissioner Carey – District 5  
Michael Rumer, Senior Planner

Michael Rumer introduced the application and said that the request would allow lots of 9,000 square feet with a width of 75 feet. Currently, with A-1 zoning, one dwelling unit per acre is allowed. The current future land use is LDR (Low Density Residential ) which allows up to 4 dwelling units per acre. Mr. Rumer said that a lot compatibility analysis showed a result of R-1AA zoning. Looking at the result of the analysis and the trend of development in the area, staff does not support the requested rezoning.

Jessica Lucision of Burkett Engineering said that there are 70 foot lots to the north of the site. She said that staff was concerned with how the development would look from the street. The applicant will put 11,700 square foot lots along Orange Boulevard.

Rich Bavec said that he built homes to the east. He would like to see 90-foot lots here, or at least 90-foot lots near Lake Forest.

A neighbor on Orange Boulevard with a single story residence to the southeast asked if there would be a wall.

David Coggin of Sandhill Homes said that he plans to have comparable homes to Lake Forest, with tile roofs and a retention pond by Lake Forest. There will be a wall to the south.

Commissioner Tucker asked about the height of the homes.

Mr. Coggins said that there were no specific designs for the houses yet.

Commissioner Eismann asked about the configuration of the lots near the Lake Forest wall.

Jessica Lucision said that there would be a retention pond by half of the lots in Lake Forest.

Commissioner Wolf asked what the square footage of the homes would be.

Mr. Coggins said that they would average between 3,000 and 4,000 square feet.

Commissioner Brown asked how big the lots were in Lake Forest.

Mr. Rumer said that Lake Forest is a Planned Unit Development (PUD) and that the lots were 13,000 square feet.

Commissioner Hattaway stated that the schools in the area were at 100% capacity. One school is at 140% capacity. She would like more input from the School Board.

Mr. Rumer said that a School Board representative attends the development review committee. Crystal Lake Elementary School is soon to open.

Tina Williamson said that the school is opening in the fall.

Commissioner Hattaway said that the School Board should send a representative to the Land Planning Agency/Planning and Zoning Committee meetings.

Commissioner Bates asked about the number of elementary school students projected to be generated from this project.

Mr. Rumer said that there was a projection of 8 students.

Commissioner Brodeur said that the issue of a School Board member's presence being needed at this meeting comes up almost every month.

Commissioner Brown said that area schools were running at 110% of capacity, which is now considered "at capacity".

Commissioner Hattaway said that Seminole High School is at 140% of capacity.

**Commissioner Hattaway made a motion to approve the application.**

**Commissioner Eismann seconded the motion.**

Commissioner Brodeur commended the applicant for his efforts to work with the staff.

**Mr. Rumer asked for a clarification of the recommendation.**

**Chairman Tucker said that the two lots up front are to be wider as a voluntary commitment.**

**Mr. Rumer said that the lots along Orange Boulevard are to be at least 11,700 square feet.**

**Chairman Tucker said that the wall would be included on the south end.**

**The motion passed by a vote of 7 – 0.**

**J. Jackson Street/Depugh Street Rezone; Craig Jones, applicant; .26 ± acre; Rezone from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling); located on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive. (Z2006-22)**

Commissioner Henley – District 4  
Michael Rumer, Senior Planner

Michael Rumer stated that the requested zoning permits lots of a minimum of 5,000 square feet, with a width of 50 feet. The future land use is Medium Density Residential, which permits a maximum of 10 dwelling units per net buildable acre. The applicant proposes to build two single family homes on the vacant lots. This property is shown on a 1929 plat. The lots are platted at 53 feet wide.

The R-1BB zoning will allow the buildings to be constructed without any variances. Staff recommendation is for approval.

**Commissioner Wolf made a motion to recommend approval.**

**Commissioner Eismann seconded the motion.**

**The motion passed 7 – 0.**

**K. Markham Road / Longwood Markham Road Rezone; Allan Goldberg, C&G Real Estate Group, LLC, applicant; 78.41 ± acres; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of West S.R. 46. (Z2006-04)**

Commissioner Carey – District 5  
Michael Rumer, Senior Planner

Mr. Rumer said that this requested PUD would cluster 38 single-family residential lots on 38 net buildable acres, resulting in a net residential density of one dwelling unit per acre. The lots will be a minimum of one half acre, or 21,780 square feet and will conform to the building and setback requirements of R-1AAAA zoning. Lots will be serviced by Seminole County water and have septic tanks. The request to cluster development is permitted in the County's Comprehensive Plan Policy 14.9 which allows clustering within the Suburban Estates future land use designation in order to protect natural resources. Lot sizes of less than one acre shall be permitted with accompanying PUD zoning provided however, that the density shall be computed on a basis of one dwelling unit per net buildable acre. The site is located within the Wekiva River Protection area and the newly created Wekiva Study area. Staff finds that the Preliminary Master Plan and requirement of the Development Order that the PUD connect to a central sewer service meet the requirements of all applicable policies of the Seminole County Comprehensive Plan, the Wekiva River Protection Area, and the recently passed Wekiva Parkway Protection Act. Staff supports the rezone request with the conditions in the staff report and development order.

Chad Moorehead of Madden Engineering represented the applicant. He said that they agreed with the staff report. He asked that when the force main is run, they would like to work out an agreement with the Utilities Department concerning future hook-ups.

Lee Andrews of 8286 Day Lily Place lives north of the site of the request. He said that the surrounding area is one acre parcels. The lots are pristine. He would like to see one acre parcels here, too. He said more people notified of the rezone.

Michael Rumer reviewed the Florida statutes on public notification: notice is to be given two weeks in advance of the hearing in a newspaper; Seminole County policy is to do a 300 foot notification to property owners through the mail and to post the property two weeks prior to the meeting.

Commissioner Tucker pointed out that there was also a newspaper article on this item today.

Mr. Rumer said that he also notified the Wekiva groups that are generally interested in projects in this area.

Michael Levy of 517 River Tree Circle, north of the site, said that he would like to see the petition denied. In River Crest, there are one to three acre parcels. This is inconsistent with the surrounding parcels. He is also concerned with vehicles west bound on Markham Road making left turns into the property not having line of sight.

Commissioner Tucker said that traffic concerns would be addressed at an appropriate time.

Debbie Doyle of Silversmith Circle is one of the developers of Markham Estates. She asked why they could not do 38 one acre homes here. She also noted that there was severe flooding to the west of this site.

Jeff Gillett of Altamonte Springs stated that he is opposed to development of this area which is environmentally sensitive and provides essential habitat to many species and will change the quality of the area.

Kathleen Wilkes submitted comments asking for denial of the request. She said there was not enough information given and that the public needed more time to give input and get the facts.

Chad Moorehead said that part of the Wekiva River Protection act allows for clustering. This does not increase density; it allows for creation of more open space. As far as access to the site, that will be taken care of later. The project will be built in one phase. There will be a force main and a sewer system. There are upgraded requirements from the SJRWMD (St Johns River Water Management District) and the Wekiva Protection Act. Threatened and endangered species will be traced.

Commissioner Tucker asked about plans for trails and access to the river.

Mr. Moorehead said that there were no plans at this time.

Commissioner Brown asked if the applicant would make a commitment not to give access to the river. Alaquia built a dock which was later removed. Will they build a dock?

Alan Goldberg stated that he would like to have a dock for each property that runs along the river. The 550-foot setback will be a conservation easement owned by the home owners association and dedicated to the county. He wants the right to have boardwalks and docks out to the river.

The public hearing was now closed.

Commissioner Bates asked why the staff reports say that there will be septic, rather than sewers.

Michael Rumer said that the report was written weeks ago and that they were now going with sewers.

Commissioner Brodeur asked about reclaimed water to the site.

Chad Moorehead said that they are required as well.

Chairman Tucker said that the sewer is in the area and that if the applicant brings it into the area, then offsetting the cost by future payments for hook ups is fair.

Commissioner Brown said the Code allows clustering. Is the serpentine design clustering? Why not keep everything back by Markham Road, away from the river. We should not have docks going down to the river.

Commissioner Tucker said that of 78 acres, 38 acres are developable. They are preserving half of the green space.

Michael Rumer said that the lots are 550 feet from the river. They are not platted into the river, as they are in River Crest. Preserving wetland with a 50-foot buffer in the middle of the bend in the road is also planned. Commissioner Tucker asked what was allowed to be done on the river with riverfront homes and dock use.

Mr. Rumer said that there is ownership if the lots are platted to the river.

Commissioner Tucker said that Florida is as strict as any state, but private property rights must also be respected. He could not see more than a dock going in for the neighborhood.

Commissioner Tucker asked about the railroad right of way.

Mr. Rumer said that will be an 80 foot mulched trail. There is an 30 – 50 foot buffer from the properties to the north. Mr. Rumer said that the project meets all of the required policies. He reiterated the clustering policy mentioned earlier.

Commissioner Tucker stated that Wekiva River is a pristine river.

Commissioner Wolf asked if the home sites were clustered on high ground.

Mr. Madden said that for the most part it was high ground.

Commissioner Wolf asked if there was any fill required.

Mr. Madden said that 50 % of the trees had to be saved in this area, so there could not be a lot of fill put in there.

Commissioner Wolf asked if there were any more environmental groups who could reduce the amount of net buildable acres on this site.

Michael Rumer said that the SJRWMD had to approve the wetland delineation line, as well as a county natural resource officer. After the wetlands are delineated, then the net buildable acres are determined. During final engineering of the site the net buildable acres will be exactly put forth.

Commissioner Brown asked what is being saved by clustering.

Michael Rumer said that there is no increase in density and open space is being retained. Under A-1 zoning, with one acre lots more area would be taken up by the homes, by putting in the easement of 550 feet by the river, land is being saved in perpetuity.

Commissioner Brown said that the applicant is talking about putting in walkways across the land that is being dedicated to the county.

Mr. Rumer said that anything that impacts the wetlands will have to be permitted through the SJRWMD. Staff sees this as a 550 foot wildlife corridor, which is a benefit.

Commissioner Brown said that a retention pond is not a good open space.

Commissioner Bates said that he understands about private property rights. He is also concerned with the impact of development on this area. He does not see anything in the request to want to support it.

Commissioner Tucker said that he could not support it if it had individual docks each running to the river. There is a county park looking to put in boat launching on the river.

Commissioner Wolf said that it was his understanding that the land could be developed immediately with one acre lots.



Commissioner Brown said that some of the impacts from building road may reduce the number of houses.

Commissioner Tucker said that there are a lot of compliance issues with building on the river.

Commissioner Wolf said that normally clustering is a good thing.

Mr. Rumer said that the lots in A-1 would be 150 feet wide and have wells and septic.

Commissioner Hattaway said that this layout preserves about half of the property.

Commissioner Brodeur said that the SJRWMD still has to come in and review it.

Commissioner Wolf said that this could be viewed as the lesser of two evils.

Dan Matthys said that staff had encouraged clustering and use of sewers. Staff saw that this does comply with all of the county rules. Because this is a PUD conditions can be put on the approval.

Commissioner Brown asked if Alaqua still had its dock.

Dan Matthys said that he did not know.

Commissioner Wolf made a motion to recommend approval with the addition of the use of a sewer system and a maximum of one dock.

Commissioner Hattaway said that the dock will be up to the SJRWMD. If it is mentioned, it may appear that one dock was going to be permitted. She took back the second she was going to make.

Commissioner Wolf amended his motion to say that he made a motion to recommend approval with the added condition of the use of sewers.

Commissioner Hattaway seconded the motion.

Commissioner Brown asked if a recommendation that there be no docks would be appropriate.

Mr. Matthys said that if there is no stipulation against docks, the applicant can go to the SJRWMD and make application for many docks. If you condition the number of docks, the county will enforce that. Conditioning would be better if it specifically delineated what was permitted or prohibited.

Commissioner Brown said that he would like to see “no docks” there.

Commissioner Tucker said that they already have the 80 foot right of way to the river. He would like to see no more than one dock.

Commissioner Wolf said that he agreed.

Commissioner Eismann said that it could be a very large dock.

Commissioner Brodeur said that it would be limited by the SJRWMD.

Commissioner Bates asked about the weight of the stipulation for the use of sewers.

Mr. Matthys said that the use of sewers is a condition in the development order. It would be required for development.

**Commissioner Wolf amended his motion to include the required use of sewer hook up and no more than one dock, if approved by the SJRWMD.**

**Commissioner Hattaway agreed.**

**The motion passed 7 – 0.**

**L. Willow Brook PUD; Hugh W. Harling, Jr./Harling Locklin & Associates, Inc., applicant; 9.24 ± acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) (02-06SS.01) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southeast corner of Red Bug Lake Road and Brooks Lane. (Z2006-01)**

Commissioner Dallari – District 1  
Tina Williamson, Principal Coordinator

Tina Williamson stated that the applicant would like to develop a 62 unit town house project with a maximum density of 10 units per net buildable acre, adjacent to Red Bug Lake Road and Brooks Lane. This project serves as a transition for surrounding area uses. The master plan preserves wetland adjacent to Brooks Lane. Staff recommendation is for approval, subject to the findings in the staff report and the conditions in the development order and the preliminary master plan.

Hugh Harling stated that he is in agreement with the staff report. There is a distance of 185 feet from the end of the internal cul-de-sac to Brooks Lane. The distance from the south property line to the nearest building is approximately 300 feet. The wetland will be a conservation easement dedicated to the County and

the Water Management District. There will be no access to Brooks Lane from this project. The entrance will be at Citrus Lane by the assisted living facility. There is a light at the corner of Citrus Lane. The project will be tied into water and sewer. The town houses will be 30 feet wide, with two car garages. He will save the trees along the highway and have a wall there and along Citrus Avenue. There will be a 15-foot buffer in addition to the back yards.

Mr. Harling said that he is proposing this project for people like the empty nesters in the aging population who would like to stay in the Tuskawilla area but have less maintenance. He has met with the Red Bug Coalition and has integrated their comments into the design of the project.

Commissioner Wolf asked if the wetland will be put into to a permanent conservation easement.

Mr. Harling said that a few strips would be taken out for mitigation and the rest would be put into a permanent conservation easement that could not be developed.

Stephanie Black of 1800 Brooks Lane said that she was not opposed to the project, but was concerned about the traffic speeding on Brooks Lane.

Bill Watts of Gabriella Lane was concerned about the drainage percolation and engineering in the area.

Commissioner Tucker said that drainage is taken care of at the time of final engineering.

Hugh Harling said that the drainage would be running in a ditch under Citrus and Mikler to a ditch on the other side.

Commissioner Eismann urged the citizens to pursue getting traffic calming devices for the area of concerns.

**Commissioner Eismann made a motion to recommend approval.**

**Commissioner Hattaway seconded the motion.**

**The motion passed 7 – 0.**

**M. Howell Branch Townhomes; Tony Cipparone /Legacy Investments, LLC., applicant; 7.03± acres; Rezone from A-1 (Agriculture) and R-3A (Multiple-Family Dwelling) to R-3A (Multiple-Family Dwelling); located on the west side of Howell Branch Road, 1000 ± feet north of Aloma Avenue (SR 426). (Z2006-12)**

Commissioner Dallari – District 1  
Tina Williamson, Principal Coordinator

Tina Williamson stated that the applicant is requesting a rezone which would allow a 60 unit town home project on the 7.03 acre site. Staff recommendation is for approval of the application.

Ron Hinson of Design Services Group stated that the design has a park-like setting in the middle. There are no wetlands on the site.

Robert Gile of Goldenrod Villas asked how close the units would come to the property line in the rear.

Ms. Williamson stated that they would be 50 feet from the property line.

Mr. Gile said that there were eagles, foxes and egrets there.

Mr. Hinson said the setback is 50 feet with a 6 foot wall along there. The county requires a study for presence of threatened and endangered species.

Commissioner Hattaway asked about water retention.

Mr. Hinson confirmed that such issues were addressed at final engineering.

Commissioner Brodeur asked about the wall on Howell Branch Road.

Mr. Hinson said that the wall would be textured and fragmented, with landscaped areas.

Commissioner Wolf asked about the western property line buffer.

Mr. Hinson said that there will be a 6-foot wall and landscape buffer. Units will be pulled back 50 feet from the property line.

Commissioner Wolf asked if they would be able to see into the next yard.

Mr. Hinson said that there will be a 6-foot wall and trees along the line.

Commissioner Brodeur said the south property line is already zoned R-3A.

**Commissioner Brodeur made a motion to recommend approval.**

**Commissioner Eismann seconded the motion.**

**The motion passed 7 – 0.**

**N. Seminole Business Center II Rezone; William E. Burkett / Burkett Engineering, Inc., applicant; 7.78 ± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located on the north side of SR 46, 0.16 ± miles east of Monroe Road and abutting Narcissus Avenue. (Z2005-027)**

Commissioner Carey – District 5  
Tina Williamson, Principal Coordinator

Tina Williamson stated that the applicant is requesting a rezone in order to have a mixture of office, warehouse and commercial uses. This request is consistent with the future land use designation of HIPTI (High Intensity Target Industry). The proposed project will be built in three phases with a total of 86,328 square feet, with allowable uses being those of the OP (Office) district and the M-1A zoning districts. The out parcel along SR 46 will allow C-1 retail commercial uses. Staff recommendation is for approval of the request, subject to the preliminary site plan, the development order, and the findings in the staff report.

Commissioner Brown noted that the utilities are supplied by the City of Sanford. He asked if the City required annexation.

Ms. Williamson stated that at some point the City will require them to annex into the City of Sanford.

Jessica Lucision of Burkett Engineering stated that the front space will be used for professional office space.

**Commissioner Hattaway made a motion to recommend approval.**

**Commissioner Wolf seconded the motion.**

**The motion passed by unanimous consent. (7 – 0)**

#### **PLANNING MANAGER'S REPORT:**

Tony Walter stated that there would be a meeting of the Florida Planning and Zoning Association at Disney World on June 9 – 10. All of the commissioners are invited to attend.

**There being no further business, the meeting was adjourned at 10:15 P.M.**